

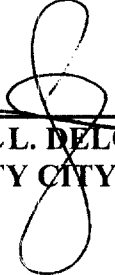
Entered 11/26/08 sb  
CL 08L1007 – LISA CARTER

**CLAIM OF: GLEN AND DANIELLE  
ROLLINS**  
through their attorney,  
**Jason R. Isenberg**  
**2801 Buford Highway**  
**Suite 470**  
**Atlanta, Georgia 30329**

MAR 15 2010

For damages alleged to have been sustained as a  
result of water discoloration on September 25, 2008  
at 3053 Habersham Road.

THIS ADVERSED REPORT IS  
APPROVED

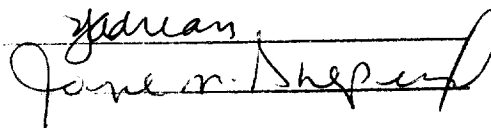
BY:   
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

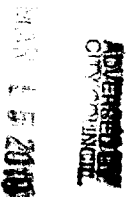
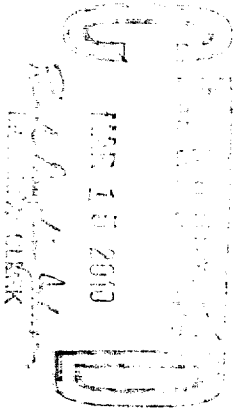
## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: 

  
James R. Shepherd





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

March 19, 2010

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

Mr. Jason R. Isenberg, Esquire  
2801 Buford Highway  
Atlanta, Georgia 30329

RE: Glen and Danielle Rollins

Dear Mr. Isenberg

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 15, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 08L1007

Date: February 15, 2010

Claimant /Victim GLEN AND DANIELLE ROLLINS

BY:(Atty)(Ins.Co.) Jason R. Isenberg

Address: 2801 Buford Highway Suite 470 Atlanta, Georgia 30329

Subrogation:            Claim for Property damage \$ \$2,700.00 Bodily Injury \$           

Date of Notice: 11/06/08 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/25/08 Place: 3053 Habersham Road

Department Watershed Management Bureau: Drinking Water Office:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimants allege that they sustained damages as a result of water discoloration at 3053 Habersham Road. However, an investigation determined that there were no problems found with the water main or the fire hydrant at this location.

**INVESTIGATION:**

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams X Reports: Police            Dept Report X Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

**BASIS OF RECOMMENDATION:**

Function: Governmental            Ministerial X

Improper Notice            More than Six Months            Other X Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,



**INVESTIGATOR - LISA CARTER**

**RECOMMENDATION:**

Pay \$            Adverse X Account charged General Fund            Water & Sewer            Aviation           

Claims Manager:            Concur/date 02/22/10

Committee Action:            Council Action



**RFA Management Company, LLC**

Municipal Clerk, Council of the City of Atlanta  
City Hall  
55 Trinity Avenue, SW  
Atlanta, GA 30303

ENTERED - 11-26-08 - SB  
08L1007 - L. CARTER

Carter  
11/26/08

November 4, 2008

**RE: O.C.G.A. § 36-33-5 DEMAND BEFORE BRINGING ACTION  
Water Tap - 3053 Habersham Road, Atlanta Georgia, 30305**

Dear Municipal Clerk:

Pursuant to O.C.G.A. § 36-33-5, this is to notify the City of Atlanta that Mr. Glen Rollins and Mrs. Danielle Rollins, owners of a home located at 3053 Habersham Road, located at the corner of Habersham Road and West Andrews Drive, have experienced damages due to dirty and unusable drinking water originating from the City's water line running along West Andrews Drive. Specifically, the Rollinses' damages are directly attributable to the City of Atlanta's negligence in connecting the Rollinses' water line to the City's West Andrews Drive water line, which resulted in the Rollinses drawing water to their home from a part of the West Andrews Drive water line that regularly and consistently accumulates silt and dirt, and is therefore unusable for drinking or bathing.

The details of the incident giving rise to this claim for damages are as follows: Since November 2007, Thorne Winter, a representative of the Rollinses, had been communicating with the City Water Department to diagnose and correct the problem of increasingly dirty water coming from the Rollinses faucets at their 3053 Habersham Road address. The City of Atlanta acknowledged the problem and the City Water Department took the action of flushing the West Andrews water line in the effort to remove accumulated dirt build-up. However, the City's proposed solution failed to correct the problem. In fact, the quality of the water has dramatically decreased. In the hope of finding a solution to this problem, an on-site meeting was held on September 25, 2008 between the representatives of the City of Atlanta and Mr. Winter. At that meeting, the City representatives proposed two possible solutions. The first solution was to move the existing water tap that is adjacent to the fire hydrant on West Andrews further down the road to hopefully avoid dirt from the fire hydrant from entering the existing water line. The second solution was to place a new tap on Habersham Road and obtain water service from the Habersham line.

Since the date of that meeting, and despite at least five written requests made between October 6, 2008 and October 31, 2008, the City of Atlanta has refused to discuss this matter further. Copies of these correspondences are attached hereto.

The extent of the Rollinses damages is yet to be determined. In addition to the damages resulting from the inability of the Rollinses to use the water emanating from the faucets in their home, the Rollinses have suffered damages in excess of \$2,700.00, the amount the Rollinses paid to the City of Atlanta as a "tap fee" for the City's improper tap from the Rollinses' water line to the West Andrews Drive water line. The Rollinses' claim for damages in excess of \$2,700.00 became due after September 25, 2008, at which point the City of Atlanta ceased working with the Rollinses in an amicable manner to resolve this matter.

We await your evaluation and response within thirty days as provided under O.C.G.A. § 36-33-5.

Sincerely,

Jason R. Isenberg, Esq.  
Attorney for Glen and Danielle Rollins

**10- R -0462**

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I